

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket HWCA <u>00/01-6003</u>
)	
)	
Ultramar Inc.)	CONSENT ORDER
Golden Eagle Refinery (GER))	
150 Solano Way)	Health and Safety Code
Martinez, CA 94553-1487)	Section 25187
EPA ID# CAD000072751)	
# CAR000091488)	
Respondent.)	
_____)	

The State Department of Toxic Substances Control (Department) and Ultramar Inc. (GER), a Nevada Corporation doing business in California (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates hazardous waste at the following site: 150 Solano Way, Martinez, California 93308 (Site).
2. The Department inspected the Site on March 28-30, 2001.
3. The Department alleges the following violations:
 - 3.1 The Respondent violated Title 22, California Code of Regulations (CCR), Section 66265.31, on March 27, 2001 by failing to minimize an unplanned sudden or non-sudden release of hazardous waste to soil and surface water to flow toward Hastings Slough.
4. A dispute exists regarding the alleged violations.
5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.
6. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

9. Respondent does not admit the violations alleged above, except as follows: Respondent admits the facts alleged above for the purposes of any subsequent action brought pursuant to the Hazardous Waste Control Law, Health and Safety Code section 25100 et seq., within 5 years of the date the violations occurred.

SCHEDULE FOR COMPLIANCE

10. The violations have been corrected.

10.1. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.2. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by

Respondent or its agents in carrying out activities pursuant to this Consent Order.

PAYMENTS

11. Within 5 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$10,500. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Ms. Astrid L. Johnson, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1515 Tollhouse Road
Clovis, California 93611

To: Ms. Charlene Williams, Chief
Statewide Compliance Division
Department of Toxic Substances Control
700 Heinz Avenue, Bldg. F., Suite 200
Berkeley, California 94710

To: Mr. James Grace, Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by HSC section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

12.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge

requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Original signed by
J.W. Haywood

Dated: September 12, 2001

Signature of Respondent's

Representative

Original signed by
J.W. Haywood, Vice President
West Coast Refining

Dated: September 12, 2001

Typed or Printed Name and Title of
Respondent's Representative

Original signed by
Astrid L. Johnson

Dated: September 17, 2001

Astrid L. Johnson, R.E.A.

Unit Chief

Statewide Compliance Division

Department of Toxic Substances Control